

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
Implementation of Section 621(a)(1) of)
the Cable Communications Policy Act of 1984) MB
Docket No. 05-311
as amended by the Cable Television Consumer)
Protection and Competition Act of 1992)

COMMENTS OF PORTLAND COMMUNITY MEDIA

These Comments are filed by Portland Community Media in support of the comments filed by the Mt. Hood Cable Regulatory Commission ("MHCRC"), <http://www.mhcrc.org>, the Alliance for Community Media ("Alliance"), <http://www.alliancecm.org>, the Alliance for Communications Democracy, <http://www.theacd.org>, the National Association of Telecommunications Officers and Advisors ("NATOA"), <http://www.natoa.org>, and other national local government organizations. Like the Alliance, Portland Community Media believes that local governments can issue an appropriate local franchise for new entrants into the video services field on a timely basis, just as they have for established cable services providers. In support of this belief, we wish to inform the Commission about the benefits of cable franchising and the Public, Educational, and Government Access ("PEG") services in our community.

Cable Franchising in Our Community

Community Information

Portland Oregon is a city with a population of 555,650. Our franchised cable provider is Comcast. Our community has negotiated cable franchises since the 1960s.

Our Current Franchise

Our current franchises began on February 2, 1997 and July 1, 1997 and expire on December 31, 2010 and December 31, 2007 respectively unless the second is extended to 2010.

Our franchise requires the cable operator to pay a franchise fee to the city in the amount of 5% of the cable operator's gross revenues. The revenues for franchise fee purposes are calculated based on the gross revenues of the operator, in accordance with the Federal Cable Act.

Our franchise requires the cable operator to provide the following capacity for public, educational, and governmental ("PEG") access channels on the cable system. We currently have five analog channels devoted to public access; two analog channels devoted to educational access; and one analog channel devoted to government access. A ninth channel can be activated under a specific franchise procedure.

Our franchise has these specific provisions for PEG channels be provided by the cable operator:

- Provision of eight downstream analog PEG video channels with channel assignments as specified in the franchise (provision of a ninth PEG channel can be triggered under certain criteria);
- PEG channels must be carried on the lowest service tier available to all subscribers;
- Certain live origination points must be provided to enable transmission capability for PEG providers to originate discrete, live programming from certain location sin the franchise area(s);
- Interconnection and narrowcast capabilities as specified in the franchise agreements;
- Digital transition provisions for PEG channels and capacity are included so that PEG channels and PEG providers are transitioned seamlessly when the cable system converts to digital transmission formats.

Our franchise allows for capital support for PEG Access and other public interest services in the amount of three percent (3%) of gross revenues above and beyond the five percent franchise fee for the support of PEG access capital costs, allocated as follows:

- One percent to defray PEG corporation capital expenditures in

approved budgets;

- One percent as a dedicated PEG Access Capital Development Fund granted to PEG Institutions for capital projects;
- One percent (1%) expended by the cable operator to support PEG Institutional Network Capital requirements and extensions.

Our franchise contains the following institutional network ("I-Net") requirements which PCM quotes below from the Comment in this Docket of the MHCRC.

"The cable Institutional Network (I-Net) negotiated and built under MHCRC-administered cable franchises, is an advanced, fiber based communications network connecting government, educational and community institutions. The I-Net is capable of carrying video, data and voice applications.

"Initial MHCRC franchise requirements established a baseline vision for the I-Net, which was refined and developed through subsequent negotiations with the cable operator. As a result of franchise requirements and successful negotiations, MHCRC Jurisdictions were able to assure that capacity was set aside and activated on the cable system to create a significant, integrated institutional network ("I-Net") with the following specifications:

- 12 fiber strand core ring with six hubs;
- Six fiber, coax cable into more than 400 sites throughout the franchise area;
- Electronics for HFC and Gigabit Ethernet services.

"By agreement pursuant to franchise provisions, the cable operator constructed the I-Net during its upgrade of the cable system. I-Net construction costs were charged to an I-Net fund on a direct, incremental cost basis to the cable system upgrade. Total cost for I-Net initial construction and activation is repaid under the cable franchise through the one percent of gross revenues fund (discussed above) retained by the cable operator and expended to support PEG Institutional Network Capital requirements and extensions.

"The I-Net represents approximately \$6 million in initial network capital assets with approximately \$4 million in additional funding for network upgrades through 2010. The I-Net is activated and used at over 270 public facilities representing over 20 public agencies throughout Multnomah County (including the Cities of Fairview, Gresham, Portland, Troutdale, Wood Village,

the County, libraries, K-12 schools, community colleges, universities, public access providers, courts, Tri-Met (the regional transit system) and Metro (the regional, elected government). The cable operator, under the franchise agreements, has agreed to provide network facilities, infrastructure, transport operations and maintenance for the I-Net.

“Through interconnection with adjacent cable systems and government wide-area networks, the I-net assists in the provision of critical communications paths for, among other things, police data, traffic signals, distance learning, and community programming.

“Multiple activated I-Net sites are currently located in the City of Gresham, the City of Portland, and Multnomah County, along with sites for Portland Public Schools, the Multnomah Educational Service District (MESD), and Mount Hood Community College. Each of these users has continued to add remote sites since it was initially connected to the I-NET. Portland Public Schools now has 89 of its schools connected together through the I-NET and Multnomah Educational Service District connects 72 schools using the I-NET.

“For the schools, the I-Net provides at least two critical services. It connects all Portland Public Schools in one “net” and the majority of the East Multnomah County Schools (served by MESD) in another. The Portland Public Schools uses the transmission links to transport data, video and email communications. Some of its data transport applications include on-line state student testing, student and staff file sharing, access to a web based student information system with PPS schools, MESD and Clackamas Education Service District, financial systems, human resource systems, and Internet up/down loading for educational uses. In addition, the both PPS and MESD schools have a separate, non-INET link to the Internet through a downtown telecommunication center. That means that each school served by Portland Public Schools and Multnomah Educational Service District now has a direct, high speed link to the World Wide Web.

“To replace I-Net services for the Portland Public Schools alone would cost the equivalent of seven teachers’ salaries. MESD’s chief technology officer has said that the services provided from INET interconnection to the City of Portland’s own data transmission system (called IRNE) has increased the available communications bandwidth by over 4200%, using systems of substantially greater reliability than it had previously, all at a cost savings of 33%.

“The City of Gresham (an MHCRC Jurisdiction) has connected all its Fire Stations to the I-Net. Multnomah County uses the I-Net to connect almost all its offices (over 60), including the jail, the court house, district attorney’s office, social services, and public safety offices. In addition, all Multnomah County Library Branches are on the I-Net. Some I-Net sites are shared. For instance, Multnomah County has several social service agencies located in Portland Public Schools. Both the school and the Multnomah County social service offices can use the INET.

“The MHCRC, in its role as advisors to local governments on cable and telecommunications matters, is proud to have worked closely both with private sector partners and government in developing a successful I-net. Here in MHCRC cable franchise areas, the MHCRC has through the I-Net developed a mutually beneficial partnership with our cable operator to construct and deploy this much-needed high-speed community network to connect our schools, libraries and local government buildings. Through the franchise and our negotiated agreement with Comcast, we are able to provide an interconnection of the I-Net network with Portland's Integrated Regional Network Enterprise (IRNE). By interconnecting the public and private networks we have saved significant taxpayer dollars. Instead of requiring Comcast to build a loop connecting the City of Portland's downtown buildings, the City paid for that portion. This allows our limited funds to reach more facilities throughout the County. Our networks allow schools and local governments (both of which are under extreme taxpayer pressure to reduce costs) to hold the line on costs while improving services by increasing bandwidth.”

PEG Access Services

Portland Community Media, a nonprofit organization, has provided community media services in our community for nearly 25 years. In our most recently completed fiscal year, Portland Community Media provided 8,082 hours of new original local programming to the cable subscribers. The community used our equipment and facility for 139,890 hours of use. Below are the highlights of our services to the community.

Portland Community Media (<http://www.pcmtv.org>) is the designated access provider responsible for programming and operating the Public and Government access channels provided under the East and West Portland

cable franchises. In providing Public and Governmental Access programs and services throughout the City of Portland, PCM:

- Programs six cable channels 15 hours a day, seven days a week with local, state, and national noncommercial programs;
- Carries gavel to gavel coverage of the Portland City Council, the Multnomah County Board, Metro Council, and Oregon State Legislature when it is in session;
- Transmits programming on Channel 11 (the Community Access Network) that through interconnection and cooperation with adjacent franchising authorities and cable systems reaches more than 400,000 cable subscribers in five counties in two states -Multnomah, Washington, Columbia, and Clackamas counties in Oregon, and Clark County Washington;
- Carries special satellite delivered national programming of interest to the community such as Classic Arts Showcase, Democracy NOW!, international programs in numerous native languages, and NASA;
- Covers significant local events and issues of community concern with depth and programming hours unmatched by commercial media – Recent programs of note include coverage of two Town Hall Meetings concerning the Kendra James shooting; Vanport: The Survivors' Tale; Town Hall on the Future of Media featuring two FCC Commissioners; Outside In: On the Edge; and the Mt.Tabor Independent Review Panel.;
- Provides hands-on Media Education classes in digital video camera production, videotape editing, computer-based editing, multi-camera studio production and multi-camera mobile van production;
- In cooperation with Portland Public Schools, conducts specialized video training projects for individual schools and the Portland Public School District;
- Teaches Web design and Flash animation;
- Provides ongoing training in media literacy;
- Hosts and supports Adventures in Television www.adventuresintv.org, an annual summer media camp for 50 at-risk youth from the Boys & Girls Clubs of Portland. Adventures is an intensive hands-on educational; experience to learn valuable technical and job skills while producing public service announcements for area nonprofits;
- Operates the Oregon Learning Lab for Information Education, (Ollie), which provides media and technology training and tools to underserved students in the community by bringing media tools into the classroom to support educators by building student self-confidence, improving teamwork skills, increasing comfort with technology and enhancing

critical thinking;

- During the last six years PCM has trained more than 3,500 people in some form of video and media production.
- Provides, at no charge, access to and use of a state-of-the-art television production facility, including: portable video equipment and editing facilities, two multi-camera television studios for live or videotaped programs, a five camera remote production van for live and videotaped programming,
- PCM allows citizens to participate in government by providing a window on the workings of local and state elected officials.

Competitive Cable Systems

The MHCRC and its jurisdictions were among the first in the nation to aggressively pursue facilities-based cable and broadband competition. The MHCRC and its jurisdictions have been consistently active in seeking competitive applicants willing to bring real competition to bear in otherwise monopoly cable markets. The record of the MHCRC's actions toward this goal during a period of the nation's recent high tech "boom" is instructive. From 1999 through 2001 the MHCRC recruited and franchised four additional competitive cable companies, RCN, Wide Open West, Open Access Broadband Networks, and Western Integrated Networks. The MHCRC's Comment in this Docket provides a detailed chronicle of its activities during this period. All four of the overbuilders failed to complete their systems and withdrew their franchises.

Conclusions

This NPRM is only looking retrospectively at one aspect of the franchising process. We believe that the Commission must look to the future of the public's interest in telecommunication's services. The existing franchising process has provided a basis for public interest services appropriately tailored to each community's local needs. We believe that those services such as PEG should be required of all broadband telecommunications providers.

The local cable franchising process has functioned well in Portland, Oregon. As the above information indicates, we are experienced at working with cable providers, the local franchise authority, and community interests to both see that the needs of the local community are met and to ensure that the practical business needs of cable providers are taken into account.

Local cable franchising ensures that local cable operators are allowed access to the rights of way in a fair and evenhanded manner, that other users of the rights of way are not unduly inconvenienced, and that uses of the rights of way, including maintenance and upgrade of facilities, are undertaken in a manner which is in accordance with local requirements. Local cable franchising also ensures that our local community's specific needs are met and that local customers are protected.

Local franchises can also ensure that the cable operator provides the PEG Access services which are responsive to the local community needs as determined through community needs assessments and the local knowledge of educators, local elected officials and local